



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Panaccio, et al.

Serial No. 10/009,919

Filed: 06/14/02

For: LAWSONIA DERIVED GENE AND RELATED HEMOLYSIN  
POLYPEPTIDES, PEPTIDES AND PROTEINS AND THEIR USES

Attorney Docket No: 3153.00184/PC10563A

**AFFIDAVIT**

I, Kenneth I. Kohn, do hereby state that plasmid pALK12, Accession number ATCC-207195, has been deposited under the provisions of the Budapest Treaty and with the American Type Culture Collection, Manassas, VA, 20110-2209, U.S.A., April 9, 1999. The plasmid has been accepted by an International Depository Authority, under the provisions of the Budapest Treaty. Moreover, all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application.

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Dated: January 10, 2005

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Mailing Label No.: EV 571 723 425 US  
Date of Deposit: January 10, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Marie M. Lally



PC10563 (H/A)

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Pfizer Inc.  
Attn: Dr. L.H. Huang  
Central Research, Eastern Point Road  
Groton, CT 06340

Deposited on Behalf of: Pfizer Inc.

Identification Reference by Depositor:

ATCC Designation

*Escherichia coli* containing plasmid pALK12 containing DNA insert from  
*Lawsonia intracellularis* UC 25405

207195

The deposit was accompanied by: \_\_\_ a scientific description X a proposed taxonomic description indicated above.The deposit was received April 8, 1999 by this International Depository Authority and has been accepted.AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent &amp; Trademark Office or the depositor to release said strain.

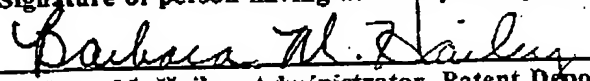
If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested April 13, 1999. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Barbara M. Hailey, Administrator, Patent DepositoryDate: April 13, 1999

cc: Robert T. Ronau